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Attorneys for Plaintiff
DREW AUSTIN SPECKMAN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DREW AUSTIN SPECKMAN, in both his
personal capacity and as sole incorporator of
RapStudy, Inc, a Delaware Corporation;

Plaintiff.

-against-

COSIMO FABRIZIO, an individual;
ADRIAN LEE, an individual; REZA
MADHAVAN, an individual, and DOES 1-50,
inclusive;

Defendants.

Civil Action No. 3:21-CV-0602 (DNH/ML)

**DECLARATION OF JASON H.
SUNSHINE RE NOTICE IN SUPPORT
OF *EX PARTE* APPLICATION FOR: (1)
TEMPORARY RESTRAINING
ORDER; (2) AN ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION**

[Filed concurrently with: 1. Notice of
Motion and Motion for Temporary
Restraining Order; 2. Declaration of
Maurice D. Pessah; 3. Declaration of Drew
A. Speckman; 4. [Proposed] Temporary
Restraining Order]

**DECLARATION OF JASON H. SUNSHINE IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, Jason H. Sunshine, hereby declare:

1. I am an attorney at law, duly licensed to practice law in the State of New York and admitted to practice before the United States District Court for the Northern District of New York. I am an associate attorney at Pessah Law Group, P.C., counsel of record for Plaintiff Drew Speckman ("Plaintiff"). I am familiar with and have personal knowledge of the file in this matter and the facts described below. If called upon as a witness, I could and would competently testify to the following facts.

2. May 24, 2021, I served all Defendants with copies of Plaintiff's Complaint and Plaintiff's *Ex Parte* Application for a Temporary Restraining Order and Preliminary Injunction. Attached hereto as Exhibit A are true and correct copies of the relevant notices.

3. Due to the urgency of the requested relief in the accompanying *ex parte* Application for a Temporary Restraining Order filed concurrently herewith, my office was unable to immediately serve hard copies of the emergency application and accompanying complaint. My office will begin diligent attempts to serve all Defendants with a copy of the operative complaint as early as May 25, 2021.

I declare under penalty of perjury of the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 24th day of May, 2021 at Los Angeles, California.

By: /s/ JASON H. SUNSHINE

Jason H. Sunshine

EXHIBIT A

From: [Jason Sunshine](#)
To: reza@rapstudy.com
Cc: [Maurice Pessah](#); [Michael Morris Nussbaum](#); [Volodymyr Usov](#)
Subject: NOTICE OF EX PARTE APPLICATION: Speckman v. Fabrizio, et al. (NDNY- Case Number Not Yet Assigned)
Date: Monday, May 24, 2021 11:18:02 PM
Attachments: [5-24-21 Decl MP ISO TRO.pdf](#)
[5-24-21 Decl DS ISO TRO.pdf](#)
[5-24-21 Memorandum of Law.pdf](#)
[5-24-21 Proposed Order.pdf](#)
[5-24-21 TRO Notice.pdf](#)
Importance: High

Dear Mr. Madhavan,

Please take notice that on **May 25, 2021**, or as promptly thereafter as may be heard, Plaintiff Drew A. Speckman will move for an *Ex Parte* Temporary Restraining Order and Order Re Preliminary Injunction before the Federal District Court for the Northern District of New York (Syracuse Branch). Plaintiff will be asking the Court to: (1) enjoin Defendants Cosimo Fabrizio, Reza Madhavan, and Adrian Lee ("Defendants"), and those acting in concert with them, from accessing, disrupting or otherwise interfering with Plaintiff's Company emails, files, bank account or GitHub account; (2) order Defendants to restore Plaintiff to his *status quo* access to all RapStudy-related files as of May 9, 2021; and (3) restore Plaintiff's access to the Company's Google drive, email accounts, GitHub repository and bank account.

This motion will be made pursuant to Rule 65 of the Federal Rules of Civil Procedure on the grounds that: (1) Plaintiff is the owner, sole incorporator, and CEO of RapStudy, Inc., (2) Plaintiff will suffer irreparable harm from Defendants' unlawful control and mismanagement of RapStudy, Inc., the company he owns, and (3) Plaintiff is highly likely to prevail on the merits of his claims for declaratory relief, conversion, breach of contract, and violation of the Computer Fraud and Abuse Act, 28 U.S.C. § 1030.

A copy of the operative complaint, the *ex parte* application, including all supporting declarations, exhibits and accompanying memorandum of authorities, **are attached**.

If you are represented by an attorney or law firm, please forward this to your counsel immediately and advise if your counsel is authorized to accept service of process on your behalf.

Very truly yours,

Jason Sunshine
Attorney at Law
661 N. Harper Ave., Suite 208
West Hollywood, CA 90048

Direct. (310) 772-2261
Mobile. (310) 772-0061

jsunshine@pessahgroup.com

From: [Jason Sunshine](#)
To: [Cosimo Fabrizio](#); cosimo@rapstudy.com
Cc: [Maurice Pessah](#); [Michael Morris Nussbaum](#); [Volodymyr Usov](#)
Subject: NOTICE OF EX PARTE APPLICATION: Speckman v. Fabrizio, et al. (NDNY- Case Number Not Yet Assigned)
Date: Monday, May 24, 2021 11:21:00 PM
Attachments: [5-24-21 Decl MP ISO TRO.pdf](#)
[5-24-21 Decl. DS ISO TRO.pdf](#)
[5-24-21 Memorandum of Law.pdf](#)
[5-24-21 Proposed Order.pdf](#)
[5-24-21 TRO Notice.pdf](#)
[5-24-21 Complaint Final.pdf](#)
Importance: High

Dear Mr. Fabrizio,

Please take notice that on **May 25, 2021**, or as promptly thereafter as may be heard, Plaintiff Drew A. Speckman will move for an *Ex Parte* Temporary Restraining Order and Order Re Preliminary Injunction before the Federal District Court for the Northern District of New York (Syracuse Branch). Plaintiff will be asking the Court to: (1) enjoin Defendants Cosimo Fabrizio, Reza Madhavan, and Adrian Lee ("Defendants"), and those acting in concert with them, from accessing, disrupting or otherwise interfering with Plaintiff's Company emails, files, bank account or GitHub account; (2) order Defendants to restore Plaintiff to his *status quo* access to all RapStudy-related files as of May 9, 2021; and (3) restore Plaintiff's access to the Company's Google drive, email accounts, GitHub repository and bank account.

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From: [Jason Sunshine](#)
To: adrian@rapstudy.com
Cc: [Maurice Pessah](#); [Michael Morris Nussbaum](#); [Volodymyr Usov](#)
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[5-24-21 Memorandum of Law.pdf](#)
[5-24-21 Proposed Order.pdf](#)
[5-24-21 TRO Notice.pdf](#)
Importance: High

Dear Mr. Lee,

Please take notice that on **May 25, 2021**, or as promptly thereafter as may be heard, Plaintiff Drew A. Speckman will move for an *Ex Parte* Temporary Restraining Order and Order Re Preliminary Injunction before the Federal District Court for the Northern District of New York (Syracuse Branch). Plaintiff will be asking the Court to: (1) enjoin Defendants Cosimo Fabrizio, Reza Madhavan, and Adrian Lee ("Defendants"), and those acting in concert with them, from accessing, disrupting or otherwise interfering with Plaintiff's Company emails, files, bank account or GitHub account; (2) order Defendants to restore Plaintiff to his *status quo* access to all RapStudy-related files as of May 9, 2021; and (3) restore Plaintiff's access to the Company's Google drive, email accounts, GitHub repository and bank account.

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